

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Kevin Newhouse,

Plaintiff(s),

vs.

Warden Brian Williams, *et al.*,

Defendant(s).

2:23-cv-01833-APG-MDC

**ORDER GRANTING IN PART
PLAINTIFF'S MOTION TO DIRECT
SERVICE (ECF NO. 22)**

Pro se plaintiff Kevin Newhouse filed a *Motion to Direct Service*. (ECF No. 22). There are currently two remaining defendants in this case, defendant Mirit Avram, M.D. and an unidentified doe defendant HDSP Nurse FAC #9 ("Doe Nurse"). The Office of the Attorney General filed a notice that it has been unable to identify the Doe Nurse. ECF No. 21. Jilliane A. Jackson, Esq. of the law firm Hutchison & Steffen, PLLC entered an appearance on behalf of defendant Avram on December 4, 2024. ECF No. 21.

To save judicial and court resources, before ordering service by the U.S. Marshals, the Court first directs Ms. Jackson to inform the Court by **December 30, 2024**, of whether Hutchison & Steffen, PLLC accepts service on behalf of defendant Avram.

IT IS ORDERED that:

1. Plaintiff's *Motion to Direct Service* (ECF No. 22) is GRANTED in part as specified in this Order.
2. By **December 30, 2024** Jilliane A. Jackson, Esq. must file a notice advising the Court and plaintiff whether Hutchison & Steffen, PLLC accepts service for defendant Avram. If appearing counsel does not accept service, to assist the Court, counsel must file (under seal) by **December 30, 2024**. the address where defendant Avram will accept service by the U.S. Marshals.
3. If appearing counsel accepts service of process, however, defendant Avram shall file and serve an answer or other response to the complaint by **February 7, 2025**.

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any change of address. The notification must include proof of service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may result in dismissal of the action.

DATED: December 19, 2024.

IT IS SO ORDERED.

Hon. Maximiliano D. Couvillier III
United States Magistrate Judge